

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1421

IN THE MATTER OF:

Application of THE )  
COLONIAL TRANSIT CO., )  
INC., for Authority )  
to Perform Charter )  
Operations Pursuant )  
to Contract with the )  
Charter House Motor )  
Hotel )

Served April 22, 1975

Application No. 860

Docket No. 286

By application, filed April 14, 1975, The Colonial Transit Company, Inc. (Colonial) seeks a certificate of public convenience and necessity pursuant to Title II, Article XII, Section 4(b) of the Compact, to perform a charter operation pursuant to contract. Colonial seeks authority to transport employees of the United States Customs Office - Department of Treasury between the Charter House Motor Hotel (Charter House) 6461 Edsall Road, Alexandria, Va., and U.S. Customs Training Center, 3520 Prospect Street, N. W., Washington, D. C.

The transportation would be provided pursuant to a contract between Colonial and the Charter House. The contract initially would require Colonial to provide the proposed transportation service through Monday, June 30, 1975. At the option of Charter House, the contract could be renewed for the period September 1975 through June 1976. The proposed transportation service would consist of a morning trip departing the Charter House at approximately 7:15 A.M., and an evening trip departing the U.S. Customs Training Center at approximately 4:45 P.M. This service would be performed Monday through Friday or throughout the period of the school week. Charter House would compensate Colonial at the rate of \$55 per day. Colonial would render

the proposed transportation service in 45 passenger motor coaches.

Title II, Article XII, Section 4(b) of the Compact provides as follows:

When an application is made under this section for a certificate, . . . , the Commission shall issue a certificate to any qualified applicant therefore, . . . , if it finds, after hearing held upon reasonable notice, that the applicant is fit, willing and able to perform such transportation properly and to conform to the provisions of this Act and the rules, regulations, and requirements of the Commission thereunder, and that such transportation is or will be required by the public convenience and necessity; otherwise such application shall be denied.  
(Emphasis added.)

Pursuant to this mandate, we shall schedule a hearing to fully develop the basis for any finding as to Colonial's fitness to perform the proposed transportation service and the existing requirements of the public convenience and necessity for the proposed transportation service. Colonial should be prepared to present evidence that public convenience and necessity require such service and that the proposed rate per day is justified by the cost of rendering the proposed transportation service.

Colonial also seeks temporary authority from this Commission to perform the proposed transportation service. Colonial states that the Charter House only recently was advised that it was required to arrange transportation for the U.S. Customs Agents being housed at its hotel. In order to provide this transportation, Charter House has entered into the hereinbefore described contract with Colonial.

Colonial states in support of its request for temporary authority that the proposed transportation service is a new movement of passengers within the area and between the points involved. As part of the application, Colonial filed a letter prepared by the Director of Marketing at the Charter House. This letter indicates that the proposed transportation service is to commence on Tuesday, April 15, 1975. According to Colonial, there is no existing carrier which would be adversely affected by a grant of temporary authority. These statements

are basic to a request for temporary authority to provide service to the public. We may, in our discretion and without hearings or other proceedings, authorize a carrier to provide a service for which there is an immediate and urgent need to a point or points or within a territory having no carrier service capable of meeting such need. See Compact, Title II, Article XII, Section 4(d)(3).

We believe that Colonial should be granted temporary authority pending a determination on the application for a certificate of public convenience and necessity. Cf. Application of BELTWAY LIMOUSINE SERVICE, INC., for Certificate of Public Convenience and Necessity Authorizing Performance of Charter Operations Pursuant to Contract, Order No. 1414, served March 26, 1975. It is our opinion that there is an immediate and urgent need for transportation of employees of the United States Customs Office-Department of Treasury between the Charter House and U. S. Customs Training Center. Of course, our grant of temporary authority creates no presumption that corresponding permanent authority will be granted.

We shall assess against Colonial an amount preliminarily estimated to be sufficient to cover the expenses which the Compact, Title II, Article XII, Section 19(a) requires the carrier to bear.

THEREFORE, IT IS ORDERED:

1. That Application No. 860 of The Colonial Transit Company, Inc., be, and it is hereby, scheduled for public hearing to commence Thursday, July 10, 1975, at 10:00 A. M., in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.

2. That The Colonial Transit Company, Inc., publish notice in the form prescribed by the staff of the Commission of such application and hearing in a newspaper of general circulation in the Metropolitan District no later than Saturday, June 14, 1975, and present at the hearing, a certificate of publication from the selected newspaper.

3. That any person desiring to protest shall file a protest, or any person desiring to be heard on this matter shall notify

the Commission, in writing, on or before Tuesday, July 1, 1975, and shall mail a copy of such protest or such notice to counsel of record for The Colonial Transit Company, Inc., L. C. Major, Jr., Esquire, Suite 400, Overlook Office Building, 6121 Lincolnia Road, Alexandria, Virginia 22312.

4. That The Colonial Transit Company, Inc., be, and it is hereby, granted temporary authority to transport employees of the United States Customs Office-Department of Treasury between the Charter House Motor Hotel, 6461 Edsall Road, Alexandria, Virginia, and U. S. Customs Training Center, 3520 Prospect Street, N. W., Washington, D. C.


5. That The Colonial Transit Company, Inc., be, and it is hereby, required to file forthwith an appropriate tariff pursuant to the temporary authority granted herein.

6. That The Colonial Transit Company, Inc., be, and it is hereby, required to file forthwith a copy of the contract between the Charter House Motor Hotel and The Colonial Transit Company, Inc.

7. That the temporary authority granted herein shall become effective April 23, 1975, and shall remain in effect through October 19, 1975, unless otherwise provided by order of the Commission.

8. That The Colonial Transit Company, Inc., be, and it is hereby, assessed \$100 which it is directed to deposit in the name and to the credit of the Washington Metropolitan Area Transit Commission in the American Security and Trust Company, 1612 K Street, N. W., Washington, D. C., on or before Tuesday, July 1, 1975.

BY DIRECTION OF THE COMMISSION:

  
WILLIAM H. MCGILVERY  
Acting Executive Director